

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

05-CR-250A

RAMON LAUREANO a/k/a "Macho,"

Defendant(s)

PRELIMINARY ORDER OF FORFEITURE

As the result of defendant's plea of guilty to Count 6 of the Superseding Indictment filed in this Court on April 24, 2007, the defendant, RAMON LAUREANO, shall forfeit to the United States the following property pursuant to Title 18, United States Code, Section, 924(d) and Title 28, United States Code, Section 2461:

- a) one Beretta Model #21-A, .22LR caliber automatic handgun bearing serial number BBS63229U;
- b) seven rounds of .22 caliber ammunition.

Pursuant to Fed. R. Crim. P. 32.2(b), this Preliminary Order of Forfeiture is final as to the defendant(s) and shall be made part of the sentence and included in the judgment. If no third party files a timely petition, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

Upon the entry of this Order, the Attorney General, through the United States Attorney's Office, is authorized to commence any

applicable proceeding to comply with the statutes governing third party rights, including giving notice of this Order to any person known to have an alleged legal interest in the subject property.

Any person, other than the above named defendant(s), asserting a legal interest in the subject property may, within thirty days of notice, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property, and for an amendment of the order of forfeiture.

Any petition filed by a third party asserting an interest in the subject property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the subject property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the subject property, any additional facts supporting the petitioner's claim and the relief sought.

After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

The United States shall have clear title to the subject property following the Court's disposition of all third party interests upon the issuance of a Final Order of Forfeiture, or, if none, following the expiration of the period for the filing of third party petitions, as provided in Title 21, United States Code, Section 853(n) (2).

The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: March 20, 2008